

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY R. ROBINSON,

Plaintiff,

Case No. 16-cv-13691

v.

UNITED STATES DISTRICT COURT JUDGE  
GERSHWIN A. DRAIN

RODARTE, ET AL.,

Defendant.

UNITED STATES MAGISTRATE JUDGE  
PATRICIA T. MORRIS

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**ORDER ACCEPTING REPORT AND RECOMMENDATION [23] AND DEFENDANTS'**  
**MOTION TO SEVER [22]**

Timothy Robinson (“Plaintiff”), an incarcerated person, filed this action on October 14, 2016. Dkt. No. 1. Plaintiff’s Complaint alleges at least five claims against at least eleven different defendants. *Id.* On January 17, 2017, Defendants filed a Motion to Sever based on misjoinder of parties and claims. Dkt. No. 22. The Plaintiff did not respond to that motion. The matter was referred to Magistrate Judge Patricia T. Morris. Dkt. No. 5.

On February 6, 2017, Magistrate Judge Morris issued a Report and Recommendation advising that the Defendants’ Motion to Sever be granted. Dkt. No. 23. Neither party filed an objection to Magistrate Judge Morris’ Report and Recommendation. The time for filing objections has expired. *See* 28 U.S.C. §

636(b)(1)(C). Upon review of the Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate Judge reached the correct conclusion.

Therefore, the Court hereby **ACCEPTS** and **ADOPTS** Magistrate Judge Morris' February 6, 2017 Report and Recommendation [23] as this Court's findings of fact and conclusions of law. Defendants' Motion to Sever [22] is **HEREBY GRANTED**. Plaintiff's claims against Defendants Rodarte, Vashaw, Sholtz, McCormick, Bush, Walworth, Havelka, Rivard, Peete, and the St. Louis Correctional Facility Health Care Staff are **SEVERED** and **DISMISSED** *without prejudice*. The portion of this claim that remains is the first claim alleged in the Complaint, that the St. Louis Correctional Facility Mailroom Staff unlawfully opened Plaintiff's legal mail.

**SO ORDERED.**

Dated: March 15, 2017  
Detroit, MI

/s/Gershwin A Drain  
HON. GERSHWIN A. DRAIN  
United States District Court Judge

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, March 15, 2017, by electronic and/or ordinary mail.

/s/Tanya Bankston  
Case Manager, (313) 234-5213